

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 218 be amended to read as follows:

- 1 Page 1, line 8, delete "person;" and insert "**person who is at least**
- 2 **fifteen (15) years of age;**".
- 3 Page 1, line 14, strike "proving:" and insert "**proving by clear and**
- 4 **convincing evidence;**".
- 5 Page 2, line 3, delete "proving:" and insert "**proving by clear and**
- 6 **convincing evidence;**".
- 7 Page 2, after line 7, begin a new paragraph and insert:
- 8 "**(e) Damages described in subsection (b) may not be reduced**
- 9 **by more than three percent (3%) for failing to comply with section**
- 10 **2 of this chapter.**
- 11 **(f) If evidence that a plaintiff did not comply with section 2 of**
- 12 **this chapter is admitted in a civil action, the court shall also admit**
- 13 **the following evidence:**
- 14 **(1) The name of the defendant's liability insurance carrier.**
- 15 **(2) The amount of liability insurance carried by the**
- 16 **defendant.**
- 17 **(3) Any evidence suggesting that prior to the collision from**
- 18 **which the plaintiff's claim arises the defendant:**
- 19 **(A) had been drinking alcohol of any kind; or**
- 20 **(B) had ingested medication or drugs, or both, that**
- 21 **affected the defendant's ability to operate a motor**
- 22 **vehicle.**
- 23 **(g) If evidence that a plaintiff did not comply with section 2 of**
- 24 **this chapter is admitted in a civil action, a defendant may not**

- 1     **prevent the facts surrounding the occurrence of the collision from**
- 2     **being presented to the jury by admitting liability for the collision.".**  
      (Reference is to ESB 218 as printed March 18, 2005.)

---

Representative PELATH